



## UNITED STATES PATENT AND TRADEMARK OFFICE

01 OCT 2008

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Heslin Rothenberg Farley & Mesiti PC  
5 Columbia Circle  
Albany, NY 12203

In re Application of :  
STATHAM et al. :  
U.S. Application No.: 10/598,046 :  
PCT No.: PCT/GB05/00554 :  
Int. Filing Date: 16 February 2005 : DECISION ON PETITION  
Priority Date: 17 February 2004 : (37 CFR 1.182)  
Attorney Docket No.: 1324.048 :  
For: SEALING OF PIPE TO SUMP :  
INTERFACES :

This decision is issued in response to applicants' "Petition for Acceptance of An Unintentionally Delayed Foreign Priority Claim Pursuant to 37 CFR 1.55(e)" filed 16 April 2008. The petition, treated herein under 37 CFR 1.182, seeks to correct the international application number on the national stage application papers filed 16 August 2006 so as to allow such materials to be treated as the U.S. national stage of PCT/GB05/00554. The \$400 petition fee has been charged to counsel's Deposit Account no. 08-1935. (The petition fee submitted under 37 CFR 1.17(t) has been refunded to counsel's Deposit Account.)

#### BACKGROUND

On 16 February 2005, applicants filed international application PCT/GB05/00554, which claimed a priority date of 17 February 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 17 August 2006.

On 16 August 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee. The submission was assigned U.S. application number 10/598,046.

The materials filed 16 August 2006 included a copy of the international application that identified the application as a U.S. national stage of PCT/GB05/00554, filed 16 February 2006. (The submission also included an application data, preliminary amendment, and unexecuted declaration which identified the international application as PCT/GB05/99554.) The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/GB05/99554. Thus,

applicants' 16 August 2006 filing included conflicting instruction that identified the submission as a U.S. national stage of two different international applications: PCT/GB05/00554 and PCT/GB05/99554.

Based on United States Patent and Trademark Office (USPTO) processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/GB05/99554, the international application number set forth in the bibliographical data provided by applicant when filing the electronic application.

On 25 March 2008, the USPTO mailed a Notification Of Acceptance indicating that the application was a national stage of PCT/GB05/99554 (the filing receipt also listed the application as a national stage of PCT/GB05/99554).

On 16 April 2008, applicant filed the present petition.

### DISCUSSION

As noted above, the bibliographical data provided by applicant incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 16 August 2006 can be treated as having been directed to international application PCT/GB05/00554, as necessary to avoid abandonment of the international application with respect to the United States.

In the present petition filed 16 April 2008, applicants confirm that the listing of international application PCT/GB05/99554 set forth in the bibliographical data (and other documents) provided by applicant was the result of a typographical error, and that the correct international application is PCT/GB05/00554. It is noted that the correct international application number was listed on the copy of the international application filed 16 August 2006, and it is accompanied by payment of the required petition fee that properly identifies the application as the national stage of PCT/GB05/00554. These materials satisfy the requirements for a grantable petition to correct the typographical error in the bibliographical data filed 16 August 2006 and to permit such materials to be treated as having been directed to international application PCT/GB05/00554.

The petition to treat the present application as a national stage of PCT/GB05/00554 is granted. The Notification Of Acceptance and filing receipt mailed 25 March 2008 (both of which indicate that the application is a national stage of PCT/GB05/99554), are appropriately vacated.

### CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

The Notification Of Acceptance and filing receipt mailed 25 March 2008 are hereby VACATED based on their identification of the present application as a national stage of PCT/GB05/99554.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/GB05/00554; and (2) issuing a corrected Notification Of Acceptance and (3) issuing a corrected filing receipt which properly identify the application as a national stage of PCT/GB05/00554 and include the proper priority information.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel.: 571-272-3298  
Facsimile: 571-273-0459